

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**IN RE METHYL TERTIARY BUTYL
ETHER PRODUCTS LIABILITY
LITIGATION,**

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

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JUDGE SCHADE

This document pertains to:

*Tampa Bay Water v. Amerada Hess Corp., et
al., No. 07 cv 4012 (SAS)*

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**STIPULATION AND ORDER OF DISMISSAL AS AGAINST DEFENDANTS
IRVING OIL LIMITED AND IRVING OIL CORPORATION**

The undersigned counsel for Plaintiff and the undersigned counsel for Defendants, Irving
Oil Limited and Irving Oil Corporation ("Defendants"), hereby agree on behalf of the parties

In Re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Doc. 2086

1. Based on the representations made in the affidavit of Kevin Scott, dated
September 18, 2008 (the "Scott Affidavit"), attached hereto as Exhibit A, and pursuant to
Federal Rule of Civil Procedure 41(a)(1), Plaintiff voluntarily dismisses without prejudice the
Summons with Notice and the Complaint in the above-captioned action as against Defendants
Irving Oil Limited and Irving Oil Corporation, and reserves all of Plaintiff's rights as against all
other defendants.

2. Should Plaintiff subsequently discover information that disproves any of the
statements in the Scott Affidavit, Defendants agree to allow Plaintiff to reinstate Defendants into
the above-captioned action.

3. Should Defendants be reinstated into the above-captioned action, pursuant to the above paragraph, then Defendants agree that the statute of limitations is tolled between the date of the filing of the Summons with Notice and the date of such reinstatement. In such event, Defendants further agree not to raise any statute of limitations defense they did not have as of the date the original Complaint was filed in this lawsuit.

Dated: New York, New York
October 29, 2008


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Attorneys for Tampa Bay Water

Dated: New York, New York
October 24, 2008

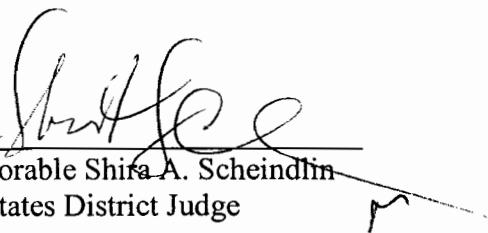


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Dated: Oct 31, 2008

SO ORDERED:



The Honorable Shira A. Scheindlin
United States District Judge

Exhibit A

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FSC

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Attorneys for Defendants Irving Oil Limited and Irving Oil Corporation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

MDL No. 1358 (SAS)

This Document Applies to:

City of Crystal River v. Amerada Hess Corp., et al.,
City of Homosassa Water District v. Amerada Hess Corp., et al.,
City of Inverness Water District v. Amerada Hess Corp., et al., and
Tampa Bay Water v. Amerada Hess Corp., et al.

DECLARATION OF KEVIN SCOTT

PROVINCE OF NEW BRUNSWICK, CANADA)
) :ss
CITY OF SAINT JOHN)

I, Kevin Scott, under penalty of perjury, declare:

1. I am the Commercial Director of Refining Growth, and former Director of Supply Planning & Trading of Irving Oil Limited.
 2. The information contained herein is based upon (1) my personal knowledge, (2) the records of Irving Oil Limited and Irving Oil Corporation (“the Irving Oil Defendants”), and (3) information provided to me by the knowledgeable employees of the Irving Oil Defendants.

3. Irving Oil Limited is a Canadian corporation with its principal place of business in Saint John, New Brunswick. Irving Oil Corporation is a Maine corporation with its principal place of business in Portsmouth, New Hampshire.

4. The Irving Oil Defendants never manufactured MTBE.

5. The Irving Oil Defendants have no refining operations in the United States. The sole Irving Oil refinery is located in Saint John, New Brunswick, Canada.

6. The Irving Oil Defendants distribute gasoline in Canada and the United States, primarily in Atlantic Canada and Northern New England.

7. The Irving Oil Defendants have never owned or operated a gas station, gas tanks, or a retail gasoline outlet in Florida, have never leased a retail gasoline outlet in Florida to a third party, have never had a branded open-dealer retail outlet in Florida, and have never had a retail supply contract with any retail facility in the State.

8. The Irving Oil Defendants have never sold or distributed gasoline containing MTBE at any station in the State of Florida.

9. The Irving Oil Defendants have never shipped any reformulated gasoline containing MTBE into the State of Florida.

10. The Irving Oil Defendants have never shipped any gasoline of any kind into the Counties of Citrus, Hillsborough, Pasco, or Pinellas.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Kevin Scott

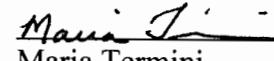
Executed on September 18, 2008

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2008, I caused a true and correct copy of the foregoing STIPULATION AND ORDER OF DISMISSAL AS AGAINST IRVING OIL LIMITED AND IRVING OIL CORPORATION in the matter *Tampa Bay Water v. Amerada Hess Corp., et al.*, No. 07 cv 4012 to be served on all counsel via Lexis/Nexis File & Serve, on Plaintiffs' Liaison Counsel via email to mdl1358@weitzlux.com and on Defendants' Liaison Counsel via email to mdl1358@mwe.com.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York, on October 30, 2008.



Maria Termini